HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (C) No. 1529 of 2007

Petitioner Appellant		Derhalal, Aged about 46 years, S/o Samundram Sahu, R/o Gram Panchayat, Khaira, Post Jhabadi, Tahsil Kasdol, District- Raipur (Chhattisgarh).
	Versus	
Respondents	1.	State of Chhattisgarh, Through Secretary, Panchayat and Gramin Vikas Vibhag, D.K.S. Bhawan, Raipur, District- Raipur (CG)
	2.	Collector, Baloda Bazar, District- Raipur (Chhattisgarh).
	3.	Sub Divisional Officer, Bilaigarh, Tahsil Kasdol, District- Raipur (CG)
	4.	Panchayat Inspector, Kasdol, Tahsil Kasdol, District Raipur (Chhattisgarh)
	5.	Ratanlal, Aged about 45 years, S/o Lutu Satnami.
	6.	Gorelal, Aged about 40 years, S/o Ramsahayak Sahu.
	7.	Meluram, Aged about 41 years, S/o Samaru Sahu.
	8.	Kirtan, Aged about 38 years, S/o Bhagirathi Sahu. All above Respondents No. 5 to 8 are R/o Village Khaira, Tahsil Kasdol, District Raipur (Chhattisgarh)
	9.	Jawahar S/o Madan Sahu, Aged about 32 years.
	10.	Puni Bai Satnami, W/o Santram, Aged about 35 years. Respondent No. 9 and 10 are resident of Village Khaira, Tahsil Kasdol, District Raipur (CG)
	11.	Director of Panchayat, Chhattisgarh, Raipur, District- Raipur (CG)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Manoj Paranjpe, Advocate for the petitioner.

Shri Utkarsh Verma, Deputy Govt. Advocate for the respondents No. 1 to 3.

Shri H. P. Agarwal, Advocate for the respondent No.6/Caveator.

ORDER

(Passed on this 16th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner has filed this petition under Article 226 of the Constitution of India challenging the order dated 26.2.2007 (Annexure P/22) passed by the Director of Panchayat, Chhattisgarh, Raipur in Revision Case No. 128/A-89/05-06.

2. After hearing learned counsel appearing for the parties and on perusal of the pleadings and documents annexed to the petition, it appears that the Director Panchayat has not considered all the grounds raised by the petitioner in his memo of revision as well as during the arguments, as alleged by the learned counsel for the petitoner. Admittedly, the fact is that the Sub Divisional Officer in his order dated 25.3.2006 (Annexure P/19) did not find sufficient reason to declare the petitioner as disqualified. An appeal was moved by the complainant and others to the Additional Collector. The Additional Collector vide order dated 29.8.2006 (Annexure P/20) passed in Panchayat Appeal Case No. 95/A/89 – year 2005-06, set-aside the order passed by the Sub Divisional Officer without directing a fresh enquiry and directed the Sub Divisional Officer (Revenue) to take steps for removing the petitioner from the post of Sarpanch of Village Panchayat, Khaira. The finding recorded by the Additional Collector was, to declare the petitioner as disqualified as per the provisions of Section 40(1) of the Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993.

3. The petitioner being aggrieved, by the order dated 29.8.2006, passed by the Additional Collector, preferred a revision before the Director, Panchayat Govt. of Chhattisgarh. The Director, Panchayat without examining the facts that the petitioner was initially not found guilty by the S.D.O. , did not consider all the points raised by the petitioner in his revision as well as in the arguments and dismissed the revision vide impugned order dated 26.2.2007 (Annexure P/22), affirming the order passed by the Additional Collector.

4. In view of the foregoing, it is necessary to remit back the matter to the Director, Panchayat to consider the revision afresh after affording an opportunity of hearing to all the parties, consider all the grounds, raised by the parties and pass appropriate order in accordance with law.

5. This petition is accordingly allowed to the above extent. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Thakur